

Message Text

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FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 4433

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E.O. 11652: N/A

TAGS: APER, AFSP ELAB, TH

SUBJECT: LOCAL EMPLOYEE WAGES AND FRINGE BENEFITS

1. EFFECTIVE JUNE 14. THE RTG MINISTRY OF INTERIOR REVISED THE RTG LABOR LAW WITH REGARD TO SEVERANCE PAYMENTS TO TERMINATE REGULAR EMPLOYEES AND INCREASE THE MINIMUM WAGE FOR BAHT 16 (APPROX. U.S. \$ EQUIV. \$80) TO BAHT 20 (APPROX. U.S. \$ EQUIV. \$1,00)
2. SEVERANCE PAY INCREASES ARE APPLICABLE TO EMPLOYEES THROUGHOUT THAILAND MINIMUM WAGE INCREASES ARE APPLICABLE ONLY TO EMPLOYEES IN BANGKOK AND SURROUNDING PROVINCES.
3. IN TERMS OF LOCAL WAGE ADMINISTRATION INCREASE IN THE MINIMUM WAGE WILL HAVE NO IMMEDIATE AFFECT SINCE THE LOWEST PADI USG FSL EMPLOYEE RECEIVED BAHT 39,76 PER DAY.
4. IMMEDIATE ACTION NEEDS TO BE TAKEN BY USG VIA-A-VIS INCREASE IN RTG PRESCRIBED MINIMUM SEVERANCE PAY BENEFITS. OUR RECOMMENDATIONS WILL BE REPORTED BY SEPTTEL.
5. TEXT OF THE RTG LAW WITH REGARD TO PAYMENT OF SEVERANCE PAY IS AS FOLLOWS:
 - A. AN EMPLOYER SHALL MAKE SEVEANCE PAYMENT TO A TERMINATED REGULAR EMPLOYEE AS FOLLOWS:
 1. AT A RATE OF NOT LESS THAN HIS LAST WAGE RATE FOR 3 DAYS OR TO A TERMINATED PIECE-WORK EMPLOYEE NOT LESS THAN

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THE AMOUNT OF WAGES RECEIVED DURING THE LAST 30

DAYS OF A REGULAR EMPLOYEE WHO HAS COMPLETED 120 CONSECUTIVE WORKING DAYS BUT LESS THAN ONE YEAR INCLUDING A HOLIDAY LEAVE DAY AND DAY-OFF DESIGNATED FOR THE BENEFIT OF THE EMPLOYER.

2. AT A RATE OF NOT LESS THAN HIS LAST WAGE RATE FOR 90 DAYS OR TO A TERMINATED PIECE-WORK EMPLOYEE NOT LESS THAN THE AMOUNT OF WAGES RECEIVED DURING THE LAST 90 DAYS OF A REGULAR EMPLOYEE WHO HAS COMPLETED ONE YEAR OF CONSECUTIVE WORK DAYS BUT LESS THAN 3 YEARS INCLUDING A HOLIDAY LEAVE DAY AND DAY-OFF DESIGNATED FOR THE BENEFIT OF THE EMPLOYER.

3. AT A RATE OF NOT LESS THAN HIS LAST WAGE RATE FOR 180 DAYS OR TO A TERMINATED PIECE-WORK EMPLOYEE NOT LESS THAN THE AMOUNT OF WAGES RECEIVED DURING THE LAST 180 DAYS OF A REGULAR EMPLOYEE WHO HAS COMPLETED 3 YEARS OF CONSECUTIVE WORKING DAYS OR MORE INCLUDING A HOLIDAY LEAVE DAY AND DAY-OFF DESIGNATED FOR THE BENEFIT OF THE EMPLOYER.

B. TERMINATION OF EMPLOYMENT UNDER THIS SECTION MEANS THE EXCLUSION OF A REGULAR EMPLOYEE FROM WORK THROUGH NO FAULT OF THE EMPLOYEE UNDER SECTION 47 OR THE EXCLUSION OF A REGULAR EMPLOYEE FROM WORK FOR MORE THAN 7 CONSECUTIVE WORKING DAYS. WHETHER THERE IS A HOLIDAY DURING THAT PERIOD OR NOT WITH NO WAGES. IF THE EMPLOYER WILLFULLY PERSECUTES THE EMPLOYEE BY EXCLUDING THE EMPLOYEE FROM WORK, THE EMPLOYEE SHALL BE ENTITLED TO THE SEVERANCE PAY UNDER THIS SECTION

C. THIS SECTION SHALL NOT APPLY TO A REGULAR EMPLOYEE WHO HAS A FIXED PERIOD OF EMPLOYMENT AND IS TERMINATED ACCORDINGLY AN EMPLOYEE WHOM AN EMPLOYER AGREED TO EMPLOY ON A REGULAR BASIS AND WHO HAS PREVIOUSLY BEEN INFORMED IN WRITING THAT HE IS TO BE ON PROBATION FOR A PERIOD NOT EXCEEDING 180 DAYS AND HOW HE IS TERMINATED WITHIN THE PERIOD.
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